

REMARKS

This is in response to the outstanding Office Action, Paper No. 091405, dated September 16, 2005. Claims 14 and 18 have been amended. The claims now in the application are Claims 14 through 24. Favorable reconsideration of the application, and a Notice of Allowance, is respectfully requested.

In the outstanding office action, the Examiner rejected Claims 14 through 24 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. Design 369,421 to Kiik et al. These rejections are respectfully traversed in light of the amended language of Claims 14 and 18. Amended Claim 14 now defines the invention as a shingle wherein each underlay sheet has one or more shadow patches and one or more non-shadow portions. The shadow patches have a color blend of granules darker than the color blend of granules of the non-shadow portions.

Amended Claim 18 now defines the invention as a shingle having one or more shadow patches and one or more non-shadow portions. The shadow patches have a color blend of granules darker than the color blend of granules of the non-shadow portions.

Claims 14 and 18 further recite that the positions of the select tab and the shadow patches vary with respect to each other from shingle to shingle, thereby leaving a portion of one of the shadow patches and a portion of one of the non-shadow portions uncovered by the select tab.

The claimed invention is not shown or suggested in the art of record. Specifically, the Kiik et al. reference discloses a laminated shingle having an overlay and an underlay. The portion of the underlay visible between and below the tabs is uniform in appearance. The entire visible portion of the underlay is illustrated as being one uniform color or shade and is darker (i.e. black, as shown in Figs. 1 and 2) in appearance relative to the tabs. The visible portion of the underlay sheet of the Kiik et al. shingle does not include a non-

shadow portion. The appearance of the portion of the underlay covered by the overlay is not taught.

In contrast, Applicant's specification discloses in the paragraphs beginning at lines 1 and 18 of page 6, that granule dispensers 24, 30, 34, 82 and 36 apply granules to the upper surface of the asphalt-coated sheet 18. Such granule dispensers deposit blend drops of granules of different color blends on the sheet 18. The blend drops applied to the asphalt-coated sheet 18 are made up of granules of different colors. The blend drops are referred to as having a color blend, which gives an overall color appearance, and this overall appearance may be different from any of the actual colors of the granules in the color blend. Also, blend drops of darker and lighter shades of the same color, such as, for example, dark gray and light gray, are referred to as different color blends rather than merely different shades of one color.

Applicant's specification further discloses in the paragraph beginning at line 3 of page 7, that at least one of the granule dispensers 20 is positioned to deposit a shadow patch 62 on the granule-covered sheet 40, preferably on the underlay portion 48.

Applicant's specification additionally discloses in the paragraphs beginning at lines 1 and 6 of page 12, that the underlay sheet 208 includes at least one shadow patch 236 and at least one second or non-shadow portion 300. Further, when the overlay sheet 204 is positioned over the underlay sheet 208, the select tab 234 covers a portion of the shadow patch 236. A portion of the shadow patch 236 is uncovered, and therefore visible. As clearly illustrated in Fig. 5, a portion of the non-shadow portions 300 are also uncovered and therefore visible. In the illustrated embodiment, a portion of the non-shadow portions 300 is visible adjacent at least one the tabs 220. As disclosed, the select tab 234 is the tab 220 that covers a portion of the shadow patch 236. At least one of the other tabs 220 is disposed such that a portion of the non-shadow portion 300 is visible. The shadow patch 236 is darker or denser in

pattern than the pattern of the tabs 220 which the shadow patch 236 borders. A portion of the shadow patch 236 is covered with the select tab 234 to leave a remainder portion 235 of the shadow patch 236 uncovered by the select tab 234. The remainder portion 235 of the shingle 200 is visible, or otherwise detectable.

Thus, the Kiik et al. reference does not show or suggest (1) an underlay sheet with one or more shadow patches and one or more non-shadow portions, wherein the shadow patches have a color blend of granules darker than the color blend of granules of the non-shadow portions, (2) a shingle with one or more shadow patches and one or more non-shadow portions, wherein the shadow patches have a color blend of granules darker than the color blend of granules of the non-shadow portions, or (3) that the positions of the select tab and the shadow patches vary with respect to each other from shingle to shingle, thereby leaving a portion of one of the shadow patches and a portion of one of the non-shadow portions uncovered by the select tab, as claimed.

Accordingly, Claims 14 and 18 are patentable over the cited reference, and Applicant requests withdrawal of the rejection under 35 U.S.C. §102(b). Because Claims 14 and 18 are patentable, at least for this reason, Claims 15 through 17 and 19 through 24 are also patentable, and Applicant respectfully requests reconsideration and withdrawal of the rejections of record, and allowance of all pending claims.